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VIA ELECTRONIC FILING

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

September 28, 2022

**Re: Response to Erdman letter dated September 27, 2022
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162**

Dear Judge Gorenstein,

This letter is written in response to the letter of Tyler Erdman dated September 27, 2022.

Your Honor's Order of July 26, 2022 indicated defendant is hereby ordered to produce all responsive documents within his "possession, custody or control." Apparently, Mr. Erdman thought this would result in a windfall of documents for his case. It has been stated by my client numerous times that any *responsive* documents would be in the hard drives that were in the possession of Seftec. Defendant does not possess any responsive documents on any device or drive outside of the ones previously stated and produced, even up to the present day. When the motion to dismiss was decided by Judge Schofield, it was granted in part and denied in part. The only remaining allegedly defamatory statements are ones involving allegations of criminal activity, none of which occurred after 2018. It is therefore no surprise that my client does not possess any responsive documents up to the present day other than those previously submitted.

PLEASE RESPOND TO BROOKLYN OFFICE

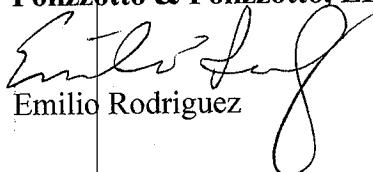
In terms of documents that the court deemed to be in his "control", he has already made the appropriate requests to the appropriate people, as indicated in his sworn statement. Other than the four documents provided by Ms. Bozic, all of which are privileged and are to be included in the privilege log, no other documents have been produced to the defendant by the custodians. If they have failed to respond, it is not the fault of the defendant. Mr. Erdman has the freedom to issue subpoenas to these individuals once party discovery has been completed. Whereas before his vacation we had a discussion regarding the lack of documents provided by the custodians, there was no discussion regarding any inadequacy of the latest privilege log, or the accompanying breakdown showing the document difference of 1,241 documents from both logs (this was due to the fact 1,241 documents were removed from the first privilege log and produced to the plaintiff electronically with functioning links).

If anything, it is Mr. Erdman who has failed to comply with his discovery obligations for even a longer time than he claims of the defendant. We are currently in possession of not one single document from the interrogatories and document requests issued to the plaintiff. Mr. Erdman sent a link to the documents and failed to advise us of the fact there was a short time limit within which to access them. After attempting to access them, and failing to do so, I informed the plaintiff of his obligation to provide his responses. He has refused to do so, even after repeated requests on our part, and after receiving hundreds of thousands of pages for our document responses. Before his vacation, we had yet another discussion during which we requested his documents. He again refused to provide information as to when these documents would be provided. During his deposition of December 10, 2021, certain document requests were also made to the plaintiff, requests which have also been neglected. Considering he has made his latest request to extend party discovery after the expiration of its deadline, we welcome an extension as we will certainly be filing a post-EBT demand for him to produce the documents promised at his deposition.

We therefore request the denial of all the relief plaintiff is seeking in his letter of September 27, 2022, and for the court to require him to finally provide his responses to our discovery demands.

Yours faithfully

Polizzotto & Polizzotto, LLC



Emilio Rodriguez